

Office Action Summary

Application No.

10/724,819

Applicant(s)

HARBIN, LAWRENCE

Examiner

Stephen Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) he has abandoned the invention.

Claims 1-19 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Harbin (US 2003/0015188).

Claims 1-19 are rejected under 35 U.S.C. 102(c) as being anticipated by Harbin (US 2003/0015188). Applicant's earlier published application was abandoned after prosecution on the merits was closed. The current application recaptures the same claimed subject matter as applicant's earlier application.

Claims 1 and 3 are rejected under 35 U.S.C. 102(c) as being anticipated by Lazaridis et al. (US 3,853,112). Lazaridis is considered to disclose the claimed invention comprising:

a housing **92** having a base **95** and lid **116** that define a cooking region there between,

a gas-fired firebox **120** supported by said housing disposed laterally of said cooking region to produce heated gases,

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at least one air channel **124** within said housing in communication with said heated gases and said cooking region,

a source of electrical power **55** (wherein the disclosed motor is considered to implicitly anticipate the claimed electrical power source since both are used to power a blower or fan), and

a blower **58** powered by the source of electrical power to circulate heated air from said at least one air channel to the cooking region. Lazaridis is also considered to disclose at least one air channel comprises heat transfer ducting **124** in communication with said cooking region to extract heat from heated gases.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2, 5-6, 8-15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis in view of Young (US 6,162,046). Lazaridis is considered

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to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed thermoelectric converter including a regulator with temperature regulating control. Young, another cooking appliance, is considered to disclose a thermoelectric converter including a regulator powering lighting or other accessory devices with temperature regulating control at column 7 lines 1-4 and column 25 line 56 through column 26 line 3 respectively. It would have been obvious to one skilled in the art to combine the teachings of Lazaridis with the thermoelectric converter including a regulator powering lighting or other accessory devices with temperature regulating control, considered disclosed in Young, for the purpose of allowing small scale portable cooking appliances.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis in view of Ragland (US 6,162,046). Lazaridis is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the claimed hinged base and lid. Ragland, another cooking appliance, is considered to disclose a hinged base and lid at column 3 lines 10-34. It would have been obvious to one skilled in the art to combine the teachings of Lazaridis with the hinged base and lid, considered disclosed in Ragland, for the purpose of allowing covered cooking appliances such that reflective and/or insulation material can be used for maximum heat transfer within the cooking area and minimum heat transfer outside the cooking area.

Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazaridis in view of Dugger (US 5,975,884). Lazaridis is considered to disclose the claimed invention, as discussed above under the anticipatory rejection, except for the

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claimed an indicator that indicates at least one of elapsed time, internal fire, temperature of the cooking region, thermal efficiency of the converter, power output of converter, hot side and/or cold side temperature difference of said thermoelectric module, efficiency, readiness of cooked foodstuff, output temperature of firebox, motor speed, air flow rate, and BTU output of firebox including microprocessor control.

Dugger, another cooking appliance, is considered to disclose an indicator including microprocessor control at column 10 lines 21-50. It would have been obvious to one skilled in the art to combine the teachings of Lazaridis with the indicator including microprocessor control, considered disclosed in Dugger, for the purpose of allowing precise cooking parameters for optimizing the utility of a cooking appliance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira S. Lazarus can be reached on 571 272 4877. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMG

A handwritten signature in black ink, reading "Stephen M. Gharini". The signature is written in a cursive style with a large, stylized 'S' and 'G'.

December 14, 2004